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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/952,001	11/07/97	CARR	R P97194.024

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EXAMINER

ACKERMAN, W

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 01/29/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/952,001**

Applicant(s)

Carr

Examiner  
**William Ackerman**

Group Art Unit  
**3626**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-42 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-42 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 9, 10, 22, 29, 32, 33 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claims 1, 22, 29 and 36 recite the limitations "one flange" and "each flange" in line 2. Two flanges have been claimed and these limitations appear to add more flanges. Applicant should clarify the number of flanges.
5. Claims 1, 22, 29 and 36 recite the limitations "the other" in line 2. There is insufficient antecedent basis for these limitations in the claims
6. Claim 1 recites the limitation "at least one flange" in line 7. Applicant should clarify the number of flanges.
7. Claim 9 recites the limitation "the intersection" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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8. Claim 10 recites the limitation "the space" in line 3. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 22 recites the limitation "each of said strips" in line 5. There is insufficient antecedent basis for this limitation in the claim. Only one strip has been defined in this claim.
10. Claim 29 recites the limitation "at least one flange" in line 7. Applicant should clarify the number of flanges.
11. Claim 29 recites the limitation "the space" in line 17. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 32 recites the limitation "said third stripe" in line 2. There is insufficient antecedent basis for this limitation in the claim.
13. Claim 32 recites the limitations "a first flange" in line 6 and "a second flange" in line 7. Applicant has already claimed a pair of flanges. Applicant should clarify the number of flanges.
14. Claim 33 recites the limitation "the property" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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16. Claims 1-3, 10, 11, 14, 15, 21, 29, 30, 32, 33, 35-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Mastin. Mastin shows a gasket A in fig. 1 comprising a first strip E of sealing material in a loop and at least one spoke D' attached to said first strip with an alignment edge D. The alignment edge D is curved. The spoke D' includes a curved aperture D with the alignment edge comprising a portion of the edge of the curved aperture. The sealing material is resilient and has a hardness less than the hardness of the flanges (see col. 1, line 10). The sealing material compresses without substantial lateral expansion (see col. 2, lines 70-71). The first strip and spoke comprise a single flat piece of sealing material (see fig. 1). The first strip and the spoke are made of a substantially flat, chemically inert and compressible sealing material (see col. 1, line 10). The first strip and spoke have a uniform thickness (col. 2, line 100). A gasket F in fig. 3 comprises a first strip G' in a loop, a second strip J' in a loop and a plurality of spokes K. A third strip G' in a loop between the first and second strips. An assembly comprises a first flange, a second flange adjacent first flange defining a joint (see col. 4, lines 80-86), and a first strip of sealing material formed in a loop between the flanges. A gasket F in fig.3 comprises a first strip G' in a loop, a second strip J' in a loop and intermediate sealing material H' disposed between the strips and being thinner than the strips (see col.3, lines 32-33). A plurality of spokes K between the strips and of uniform thickness. A method for assembling a pair of pipe flanges comprised of the steps of placing the flanges adjacent one another, placing the gasket between the flanges (col. 4, lines 70-75) , placing a plurality of fasteners (col. 2, line 87) around the flanges and

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forcibly drawing the flanges together. The method further comprising selecting sealing material having the property that it compresses without lateral expansion.

17. Claims 1, 3, 4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hubbard et al. Hubbard shows a gasket 21 comprising a first strip 29 of sealing material in a loop and at least one spoke 30 attached to said first strip with an alignment edge 23e. The spoke includes a curved aperture 23e with the alignment edge comprising a portion of the aperture. The curved aperture is elongated in the radial dimension (see fig. 8). The outer periphery is rectilinear (see fig. 4). The spoke is defined by sealing material at the intersection between two linear portions of the periphery (see fig. 4).

18. Claims 1, 5, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith. Smith shows a first strip 41 of sealing material in a loop at least one spoke 51, and the spoke includes a tab 56 extending beyond the flanges. The tab includes identification data (see fig. 5 #59). The first strip includes at least one notch 57 in the outer periphery.

19. Claims 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Oberhuber. Oberhuber shows a gasket 20 comprising a strip 23 of sealing material in a loop and at least one notch 24 in the outer periphery. A plurality of strips 23, two of which are concentric. The outer periphery is rectilinear (see fig. 9 #24). The first strip, a second strip 23 with the notch 24 and a plurality of spokes 25 of sealing material with each of the spokes disposed between and attached to the first and second strips. Sealing material 21 thinner than the strips and spokes disposed between the first and second strips and two or more spokes. There are a plurality of notches 24

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and the spokes 25 extend between the strips at the notches. The inner periphery of the second strip includes a convexity 22 opposite the notch (see col. 4, lines 71-72).

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 5, 6 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastin in view of Wainer et al. Mastin shows all of the claimed limitations except a spoke including a tab portion with identification data. Wainer shows a spoke including a tab portion 46b with identification data (col. 6, lines 5-7) in an analogous art for the purpose of providing identification. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the gasket of Mastin with a spoke including a tab portion with identification data similar to element 46b in Wainer.

22. Claims 12, 13, 34, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastin in view of Tucker. Mastin shows all of the claimed limitations except the sealing material has a hardness less than 95 on Shore A, the hardness is 55-70 on Shore A and the method further comprising selecting sealing material having the property that it compresses without lateral expansion and the further step of selecting sealing material with a Shore A value of

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less than 95.. Tucker shows the sealing material has a hardness less than 95 on Shore A, and the hardness is 55-70 (col. 4 , lines 28-29), and the method further comprising selecting sealing material having the property that it compresses without lateral expansion and the further step of selecting sealing material with a Shore A value of less than 95 (col. 4, lines 22-40) in an analogous art for the purpose of providing suitable compression. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the gasket of Mastin with the sealing material having a Shore A hardness below 95 and a hardness between 55 and 70, and the method further comprising selecting sealing material having the property that it compresses without lateral expansion and the further step of selecting sealing material with a Shore A value of less than 95 similar to the sealing material in Tucker.

23. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mastin in view of Minor et al. Mastin shows all of the claimed invention except the sealing material is PTFE, FFM; EPR or PVDF. Minor teaches that gaskets made of the following sealing materials: PTFE, FFM, EPR or PVDF (col. 1, lines 30-38), are art equivalents. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to make the gasket of Mastin from the following sealing materials: PTFE, FFM, EPR or PVDF, as taught by Minor to be art equivalents.

24. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mastin in view of McPherson et al. Mastin shows all of the claimed invention except the sealing material is neoprene or CR. McPherson teaches that gaskets made of neoprene or CR (col. 4, line 51) are art



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equivalents. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to make the gasket of Mastin from neoprene or CR as taught by McPherson to be art equivalents.

***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Welsh, Merwarth, Jelinek et al., Dutton and Wilkins et al. are cited to show similar gaskets.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Ackerman whose telephone number is (703) 308-7908.



Anthony Knight  
Supervisory Patent Examiner  
Group 3600

WGA

WGA

January 14, 1999

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